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REMARKS

Claims 1-65 were rejected in an Office Action dated October 14, 2005. Entry of the amendments to claims 1, 23, 41 and 53 is requested; support for the amendments may be found in the "Detailed Description of the Invention." Applicants respectfully request reconsideration of the present application in view of the following remarks.

Rejections under 35 U.S.C. §112

Claims 1, 24, 41, and 53 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite due to relative terms. Applicants assert that the amendment to the claims renders moot the rejection. Removal is respectfully requested. In as much as the added terms were not relied upon for removing previous grounds for rejection, and form the basis of the instant rejection under 35 U.S.C. §112, claims 2, 24, 41, and 53 are amended to read as originally filed. No effect is deemed to be given to the amendment of July 29, 2005, upon entry of the instant amendment.

Rejections under 35 U.S.C. §103(a)

Claims 1-44 and 46-65 were rejected under 35 U.S.C. §103(a) as obvious over Maples (US Patent No. 6,395,383) in view of Williams (US Patent No. 4,239,678). Applicants respectfully traverse the rejection to the claims. Applicants assert that a prima facie case of obviousness has not been established for the reasons stated below, and removal of the rejection is required.

There is no suggestion or incentive to modify the chemically protective and highly water vapor permeable coverings of Maples with the flame retardant thermoplastic compositions of Williams. While the Office contends that Maples and Williams are directed to the 'same field of endeavor (protective articles)', it would be understood to one skilled in the art that the modes of protection and the means to achieve such protection is quite distinct. The Office states that it would be obvious to modify the articles of Maples with the flame retardant compositions of Williams to create chemical protective articles that are also flame retardant. Applicants disagree.

Applicants contend that motivation to combine the two references results from the impermissible use of hindsight reconstruction upon review of the instant application. Maples discloses a selectively permeable protective covering comprising a polyamine polymer with amine acid moieties that is capable of transmitting high quantities of water vapor while also being capable

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of restricting the passage of chemicals. Williams is directed to imparting flame resistance to typically non-breathable thermoplastics by admixing them with flame retardant compounds to form materials which pass UL-94. There is no suggestion or incentive in Maples to make the modification suggested by the Office.

Where breathability is critical to the invention of Maples, and one skilled in the art would recognize that Maples may be rendered inoperable for its intended purpose (forming laminates with high moisture vapor permeability) by modification with the typically non-breathable thermoplastics of Williams, motivation to combine is lacking. Nothing in Maples leads one skilled in the art toward modification with the admixture of Williams. Removal of the rejection is therefore requested.

Further, the combination of references fails to teach or suggest all of the claimed elements. Maples discloses a selectively permeable protective covering comprising a polyamine polymer with amine acid moieties that is capable of transmitting high quantities of water vapor while also being capable of restricting the passage of chemicals. However, Maples does not disclose or suggest the presently claimed invention. For example, as stated in the Office Action, Maples is silent as to the use of aromatic sulfonated polymers. Williams is cited for teaching a flame retardant thermoplastic composition comprising an organic sulfonated flame retardant additive in an admixture with various polymers. However, Williams does not overcome the deficiencies of Maples where it also does not disclose or suggest the sulfonated aromatic polymers of the present invention.

The flame retardant additives disclosed in Williams are sulfonated compounds. They are not polymers, and are not bifunctional. It is clearly stated at page 10 of the instant application, that by the term aromatic polymer it is meant polymers having aromatic groups in the polymer backbone, or main chain, and it is clearly claimed that at least a portion of these aromatic groups have at least one pendant group comprising sulfonic acid or its salt. Further, the sulfonated compounds and recited polymers of Williams form an admixture or blend; the sulfonated compounds are not polymerized to form the claimed sulfonated aromatic polymers having a portion of the aromatic groups comprised of pendant sulfonic acid groups, or its salts. Thus, all claimed limitations are not disclosed or suggested.

Moreover, where the non-polymeric flame retardant compounds and admixtures of Williams are chemically distinct from the claimed sulfonated aromatic polymers, it is not reasonable or obvious for one skilled in the art to

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select the instantly claimed "species" and arrive at the claimed polymers having the claimed molecular weight for sulfonic acid species. Where hindsight reconstruction based on the instant specification is impermissible incentive to modify the cited references, removal of the rejection is requested.

All limitations of the claimed coverings are not disclosed or suggested by the cited combination. Where neither reference alone or in combination disclose all limitations of the presently claimed invention, a prima facie case of obviousness has not been established and removal of the rejection is appropriate.

Removal of the rejection to the dependent claims is also requested in as much as they contain all of the limitations of the independent claims, and are deemed patentable for the reasons set forth above.

Claim 45 is rejected under 35 U.S.C. §103(a) as being unpatentable over Maples (US patent No. 6,395,383) in view of Williams (US Patent No. 4,239,678) as applied above to claim 41 and in further view of Baumeister (US Patent No. 5,743,775). Claim 45 is dependent upon claim 41, having all of the limitations of the same. Therefore Applicants deem claim 45 patentable, for the reasons set forth above.

Double Patenting Rejection

Claims 1-65 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-51 of copending Application No. 10/818,214. Applicants will consider filing a terminal disclaimer after successful prosecution of both applications.

Conclusion

For the foregoing reasons, the present invention as defined by claims 1-65 is neither taught nor suggested by any of the references of record. Accordingly, Applicants respectfully submit that these claims are now in form for allowance. If further questions remain, Applicants request that the Examiner telephone Applicants' undersigned representative before issuing a further Office Action.

Respectfully submitted,



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